

The Honorable Barbara J. Rothstein

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

NORTHWEST ENVIRONMENTAL  
ADVOCATES,

Plaintiff,

v.

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY, *et al.*

Defendants.

Case No. 2:21-cv-1637-BJR

**JOINT MOTION BY ALL  
PARTIES TO EXTEND INITIAL  
LITIGATION DEADLINES**

On December 7, 2021, Plaintiff Northwest Environmental Advocates filed the above-referenced lawsuit against the Environmental Protection Agency, regarding the development of Total Maximum Daily Loads for certain types of water pollution in portions of Puget Sound. EPA's responsive pleading to the Complaint is due on February 15, 2022, and the Court's initial scheduling order (Dkt. No. 12) has set dates for certain procedures under Federal Rule of Civil Procedure 26.

All Parties in this action have conferred, and wish to extend the currently-pending litigation deadlines to explore the possibility of resolving the matter through a negotiated

1 settlement. The Parties therefore jointly request a 90-day period to hold preliminary settlement  
2 talks. At the close of that 90-day period, the Parties propose to file a joint status report to advise  
3 the Court of the status of their discussions, and whether they request additional time to pursue  
4 settlement. Should the Parties report that further settlement discussions are unwarranted, the  
5 Parties propose to then file, no more than two weeks after submitting their joint status report, a  
6 scheduling motion governing pending litigation deadlines. These include the deadlines for EPA's  
7 responsive pleading and administrative record, as well as the items addressed by the Court's  
8 initial scheduling order.

9       Accordingly, the Parties jointly request that the Court order them to file a status report by  
10 May 16, 2022, to advise the Court of the status of their discussions and whether they request  
11 additional time to pursue settlement, should that be appropriate. If the Parties conclude that  
12 additional discussions are not warranted at that time and so advise the Court, then the Parties  
13 request that the Court direct them to file, no later than May 30, 2022, a motion that proposes a  
14 schedule to address the matters in the Court's initial scheduling order, as well as the dates for  
15 EPA to file its responsive pleading and the administrative record.

16       There is good cause to grant this motion because it will allow the Parties time to explore  
17 the possibility of a negotiated settlement, before engaging in active litigation that may not be  
18 necessary and may impair their efforts to explore settlement. Thus, the relief requested in this  
19 motion may preserve the resources of the Court as well as of the Parties.

#### 20 ORDER

21       Based on the foregoing joint motion, and for good cause shown, the Parties shall file a  
22 status report no later than May 16, 2022, apprising the Court of the status of their discussions  
23 concerning a possible settlement and indicating whether they request additional time to pursue  
24 such discussions. In the event the Parties conclude that such additional discussions are not  
25 warranted and so advise the Court, the Parties shall then file, no later than May 30, 2022, a  
26 motion proposing a schedule to address the matters in the Court's initial scheduling order, as  
27 well as the dates for EPA to file its responsive pleading and the administrative record.

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2 It is so ordered, this 8th day of February, 2022.  
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United States District Judge